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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Osamu KUBONIWA

Group Art Unit: 2662

Serial No.: 09/450,768

Examiner: Tsegaye, Saba

Filed: Nov. 30, 1999

Atty. Docket No. MA-385-US

For: ADSL SYSTEM

Honorable Commissioner of Patents
Alexandria, Virginia 22313-1450
Box AF

AMENDMENT UNDER 37 C.F.R. 1.116

Sir:

In response to the Office Action dated July 14, 2004, please amend the above-referenced Application as herein described.

Also filed concurrently is a Petition to Withdraw Finality, since Applicant submits that the claim amendments in the previous Amendment did not reasonably necessitate the changes to the rejection. Clearly, the Examiner's initial interpretation of Kaplan was simply technically incorrect, and the rejection revision of the Office Action dated July 17, 2004, was necessitated by this incorrect interpretation, not by the Applicant's claim amendments. As explained herein, Applicant submits that the present rejection likewise fails to properly interpret the technical aspects of Kaplan.